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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,094	02/08/2002	William L. King	P67371	3694

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SAMSONITE CORPORATION  
11200 EAST 45TH AVENUE  
DENVER, CO 80239

EXAMINER
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MEREK, JOSEPH C

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/073,094

Applicant(s)

KING, WILLIAM L.

Examiner

Joseph C. Merek

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 8-14 and 20-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 15-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### ***Election/Restrictions***

Newly submitted claim 24 and amended claim 8 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Original claim 1 and 8 were directed to the subcombination of only the box and did not require being attached to the truck. Claim 8 as not amended in paragraph (f) requires that the box is fixedly attached to in suspension to an inner surface of said bed by at least on bracket. Claim 24 requires in paragraph (f) that said box is fixedly attached in suspension to an inner surface of said bed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 8-14, and 20-24 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claims 15-19 are multiple dependent claims, which depend from, claim 1 or claim 8. Since claim 8 has been withdrawn these claims have been treated as depending from claim 1.

### ***Drawings***

The drawings were received on 11/2/04. These Figs. 1-8 and 10-13, and 15-20 have been approved.

The drawings are objected to because Fig. 9 does not have the hinge that was shown in the original Fig. 9. New Fig. 14 is objected to since the flanges as shown

cannot be seen in original Fig. 14. This showing is considered new matter. The specification does not state how the flanges on the bottom are configured.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "wheels that are affixed near the junctures of the front wall and the end wall to help support the front wall when collapsible box is moved between its collapsed and expanded positions" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-7 and 15-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It has not been adequately disclosed that the box is attached to a "generally vertical surface". This is a new matter rejection. The remaining claims are included since they stem from rejected claims.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 15, it is not clear how the device is suspended yet has wheels which would have to contact the bed to provide the claimed support function. The specification does not state where the wheels are located or how they are attached to the box. It is not known what structure is required to satisfy this limitation. Regarding claim 16, the specification does not state how the flanges are oriented or how the device functions with the flanges on the bottom. It is not clear what structure is required to satisfy this limitation.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-6, are rejected under 35 U.S.C. 102(b) as being anticipated by Antil (US 2,456,479). Regarding claim 1, as it is best understood, see Figs. 1-5 where the claimed structure is shown. As seen in Fig. 1 the device is supported in a suspended manner on a vertical surface therefor there is inherently means for fixedly attaching the box to a generally vertical surface in a suspended manner. Regarding claim 3, see Fig. 4. 20 is the rear wall. Regarding claims 4-6, see Figs. 1-5 where the structure is shown.

Claims 1-7, 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Friedman (US 1,292,452). Regarding claim 1, see Figs. 1-6 where the claimed structure is shown. Regarding claims 2-6, see the figures where the structure is shown. Regarding claim 7 and 17, 52 is the lip which is seen in Fig. 3 of Friedman. 50 and 32 are the mating locking structures. Regarding claims 18 and 19, see Fig. 4 where the lip locks with a locking structure that is near the bottom of the front wall.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartson (US 1,972,483) in view of Hanson (US 1,941,860). Hartson teaches a collapsible container which can be used for a car trunk but does not teach the means for suspending. Hanson as seen in Fig. 1 teaches means for suspending the car trunk. It would have been obvious to employ the means of Hanson in the device of Hartson so that the container could be used as the inventor intended. The modified container of Hartson is suspended from a generally vertical surface as seen in Fig. 1 of Hanson. The intended use does not require any structure that is not in the combination of references. Regarding claim 2, see Fig. 1 of Hartson where the bottom is suspended from the front wall. Regarding claim 3, Hartson does not teach the bottom hinged to the rear wall. Hanson as seen in Fig. 3, teaches a bottom with is hinged to both the front and the rear wall. It would have been obvious to hinge the bottom as taught by Hanson to provide an alternative way to secure the bottom and to provide additional support for the front wall. Regarding claim 4, see Fig. 1 of Hartson. Regarding claim 5, see Fig. 5 of Hartson. Regarding claim 6, see Fig. 1 of Hartson where the lid is 6. Regarding claim 7, see Fig. 1 of Hartson where the lip is 7. Regarding claim 17, see Fig. 1 of Hartson where the mating locking structures are 70 and 23.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reed (US 6,536,826) is cited for teaching a collapsible box for a pickup truck front wall where the box is suspended off the bed floor.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

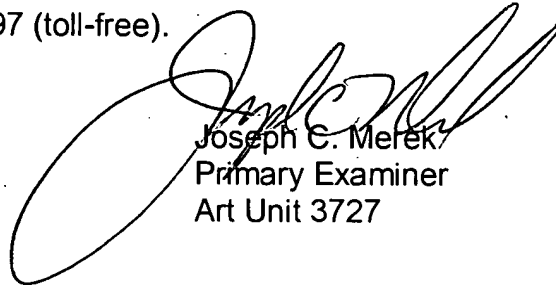
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C. Merek whose telephone number is 571 272-4542. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph C. Merek  
Primary Examiner  
Art Unit 3727